

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: 5/1/06
COUNCIL MEETING TIME: 3:00pm

ITEM TITLE OR DESCRIPTION:

Third and final reading of Ordinance 2006-07, "AN ORDINANCE AMENDING ORDINANCE 99-14 BY ADDING CHAPTER 7 TO THE UNIFIED PERFORMANCE STANDARDS WHICH ENACTS REGULATIONS FOR SUBDIVISIONS, SITE PLANS AND/OR BUILDING PERMITS FOR CONSTRUCTION OF PROJECTS WITHIN ONE THOUSAND (1000') FEET OF LAKES KEOWEE, JOCASSEE AND HARTWELL AND ON SUBDIVISIONS, SITE PLANS AND/OR BUILDING PERMITS FOR SUBDIVISIONS THAT WILL RESULT IN THE NEED TO UPGRADE COUNTY ROADS.

BACKGROUND OR HISTORY:

Council referred the Ordinance to Planning Commission following the public hearing on 4/18/06. The Planning Commission, at a special meeting on 4/24/06, approved changes to the Ordinance and returned the document for Council action.

SPECIAL CONSIDERATIONS OR CONCERNS:

The Planning Commission, Planning Department and County Attorney have reviewed the Ordinance.

STAFF RECOMMENDATION:

Staff recommends Council adopt this ordinance on third and final reading.

FINANCIAL IMPACT:

N/A


ATTACHMENTS:

Proposed Ordinance 2006-7

Submitted or Prepared By:


Department Head/Elected Official

Approved for Submittal to Council:


Ron H. Rabun, County Administrator

Reviewed By/ Initials:

 County Attorney

Finance

Other

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE NO. 2006-07

AN ORDINANCE AMENDING ORDINANCE 99-14 BY ADDING CHAPTER 7 TO THE UNIFIED PERFORMANCE STANDARDS WHICH ENACTS REGULATIONS FOR SUBDIVISIONS, SITE PLANS AND/OR BUILDING PERMITS FOR CONSTRUCTION OF PROJECTS WITHIN ONE THOUSAND (1000') FEET OF LAKES KEOWEE, JOCASSEE AND HARTWELL AND ON SUBDIVISIONS, SITE PLANS AND/OR BUILDING PERMITS FOR SUBDIVISIONS THAT WILL RESULT IN THE NEED TO UPGRADE COUNTY ROADS.

BACKGROUND AND FINDINGS

1) Oconee County's borders encompass significant portions of three large lake reservoirs: Lake Jocassee, Lake Keowee and Lake Hartwell, as well as a number of smaller lakes. These lakes provide water supply, recreational opportunities, and tourism revenues within Oconee County, and are therefore increasingly vital to the economy and quality of life of Oconee County's citizens. Based on current and predicted future growth rates, it is expected that water providers in Oconee County will necessarily expand their use of these lakes to meet the increased need for potable water in Oconee County; at the same time, the shores of the lakes are expected to become home to significant numbers of new residents. Many construction projects providing for this growth will be on sites located along the shores of these lakes, often with steeply sloped terrain offering little natural vegetation to filter storm water runoff thereby increasing the potential for harm to the lakes from storm water run-off, shore erosion, sedimentation, lawn fertilizers and pesticides, and other factors associated with the anticipated construction.

Therefore, the Oconee County Council finds that it is vital to Oconee County's future to amend Ordinance 99-14 to protect these water sources.

2) In the year preceding the passage of this Ordinance, the Oconee County Planning Commission and the Oconee County Council have been drafting proposed amendments to the Subdivision and Land Development Chapter of the Unified Performance Standards Ordinance. Included in the proposed amendments are a number of regulations dealing with County roads, including provisions that classify roads based on average daily traffic counts (ADT's). The purpose of these classifications is to insure that the road infrastructure will be adequate to safely and efficiently accommodate any increases in traffic resulting from development in Oconee County. The adequacy of County roads is especially important for the use of emergency vehicles such as fire trucks and ambulances, and maintaining sufficient capacity to accommodate anticipated traffic in the event of evacuations.

Therefore, the Oconee County Council finds that to protect the health and safety of both current and future citizens, it is necessary to amend Ordinance 99-14.

THERE SHALL BE IMPOSED THE FOLLOWING REGULATIONS:

CHAPTER 7

- 7.1 The approval of subdivisions, site plans and/or building permits for construction of new residential units or commercial projects to be located within one thousand feet (1000') of Lakes Keowee, Hartwell and Jocassee shall be contingent upon the establishment of

a natural vegetative buffer of a width no less than twenty-five (25') feet, with a view lane width of no more than 15% of the total length of a natural vegetative buffer. The buffer shall meet the following standards:

- a. To reduce non-point source pollution, a natural buffer of 25 feet shall be maintained with no grasses or ornamental vegetation established within that buffer. To reduce non-point pollution a vegetative buffer of 25 feet measured horizontally from the full pond elevation shall be maintained with no manicured lawns or other managed grasses established within that buffer. A diverse mix of native plants and unmanaged (uncut below 12 inches and untreated) native grasses are preferred vegetation where available and suited to the site. Additionally, no clear cutting or mowing, cultivation activities, fertilization, use of herbicides, fungicides, or pesticides shall occur within the 25 foot buffer area.
- b. No trees larger than six-inch caliper at four feet from the ground shall be removed unless certified to be a hazard by a registered forester.
- c. Trees may be limbed up to 50 percent of their height.

This regulation shall exempt projects that are located on parcels lying no closer than twenty-five (25') feet from a lake shoreline or are located on parcels that are not traversed, either in full or in part, by a perennial stream, designated wetland, or other water course within one thousand (1000') feet of Lakes Keowee, Hartwell and Jocassee. The buffer shall begin at the lake's full pond level.

7.2 In order for Oconee County to approve a subdivision site plan, a subdivision plat or a building permit for a subdivision project, the county road or network of county roads that serve said proposed development must be adequate to accommodate any increase in traffic resulting from said proposed development. For all developments consisting of more than ten (10) dwelling units, the developer/subdivider shall submit a traffic impact/road capacity study demonstrating the impact of traffic upon any County road servicing the subdivision, either directly or indirectly. The traffic impact/road capacity study shall be reviewed by the Oconee County Planning Director and the County Engineer. In the event that the County Planning Director and the County Engineer determine that the subdivision will increase the average daily traffic (ADT) on a County road to the extent that said road will need to be upgraded to safely accommodate the increase in traffic, improvements to the road must be made in accordance with the Road Classification set forth below in the Definitions section of this Ordinance. The developer/sub divider shall be responsible for all costs (including right of way acquisition) necessary to upgrade the road.

7.3 DEFINITIONS:

When used in the Ordinance, the following words and terms shall have the meaning indicated. Words and terms not herein defined shall have their customary dictionary definitions. The term "shall" is mandatory. When not inconsistent with the content, words used in the singular number include the plural and those used in the plural number include the singular.

(1) Apartment Complex - A building or portion thereof, other than a hotel, divided into more than two dwelling units which are arranged in such a manner as to be used for lodging by separate households.

(2) Average Daily Traffic - The number of vehicles that will be utilizing a road, intersection or other reference point in a twenty four (24) hour period.

(3) Building Permit - A document or certificate issued by Oconee County authorizing construction, enlargement, alteration, moving of, or demolition of a building or structure, or the placement of a mobile home (manufactured housing).

(4) Condominium Complex - A building or group of buildings containing more than two dwelling units in which dwelling units are individually owned and where the structure, common areas and other facilities are owned by the developer and/or the owners of the individual units on a proportional or individual basis.

(5) Dwelling - A building or portion of a building arranged and/or designed to provide living quarters for one or more families where each dwelling is provided with separate kitchen and bathroom facilities.

A. Single Family Dwelling- A detached dwelling designed for or occupied exclusively by one family on a single lot.

B. Duplex- A building arranged or designed to be occupied by two (2) families living independently of each other on a single lot.

C. Group Dwelling- A group of two or more principal structures built on a single lot, parcel or tract of land and designed for occupancy by separate families.

D. Multi-Family Dwelling- A building or series of buildings on the same lot used or designed as a dwelling place for two (2) or more families living independently of each other.

(6) Dwelling Unit - One or more rooms connected together and constituting a separate, independent housekeeping establishment, with provisions for cooking, eating and sleeping, and physically set apart from any other rooms or dwelling units in the same structure.

(7) Full Pond Level - Full pond level is 800 feet above mean sea level on Lake Keowee, 1110 feet above mean sea level on Lake Jocassee and 660 feet above mean sea level on Lake Hartwell.

(8) Natural Vegetative Buffer - Plants, trees, and vegetation that normally survive in Oconee County without the need of fertilizers, herbicides or pesticides.

(9) Oconee County Road - Any paved road, gravel road, dirt road or bridge that is owned and/or regularly maintained by Oconee County and considered part of the County road system.

(10) Perennial Stream- Any creek, river, or other water course that has flowing water year-round during a typical year. The water table is located above the stream bed for most of the year, and groundwater is the primary source of water for stream flow. Run-off from rainfall is a supplemental source of water for stream flow.

(11) Potable Water - Water used or treated by a water company or utility to be sold for human consumption.

(12) Planning Commission - The Oconee County Planning Commission and planning staff specifically authorized to carry out certain functions on its behalf.

(13) Plat - A map or drawing which is an accurate graphical representation of a subdivider's plan for a subdivision.

A. Sketch plan - A simple sketch of a proposed subdivision layout showing roads and other principal features. The sketch plan is preparatory to the preliminary and final plats and may enable the subdivider to save time and expense in reaching general agreement as to the form of the plat and the objectives of these regulations.

B. Preliminary plat - A drawing which shows the proposed layout of a subdivision in sufficient detail to indicate its working ability in all aspects.

C. Final plat - The map of the subdivision to be recorded after approval by the Planning Director and any accompanying material as described in these regulations.

(14) Road, County - Roads, avenues, boulevards, highways, freeways, lanes, courts, thoroughfares, collectors, minor roads, cul-de-sacs and other ways including the entire right-of-way considered public and both dedicated to and accepted by Oconee County. The following classifications shall be used in reference to roads regulated by the standards put forth in this ordinance:

A. Arterial Road - A major road that serves as an avenue for circulation into, out of, or around the County. Typical number of average daily traffic (ADT) exceeds 5000.

B. Collector Road - A road that has the primary purpose of intersecting traffic from intersecting local roads and handling movements to the nearest arterial road. A secondary function is to provide direct access to abutting properties. Typical number of average daily traffic (ADT) exceeds 800.

C. Local Road (major) - A road that has two or more access points. The primary purpose is to provide access to abutting properties. Typical number of average daily traffic (ADT) ranges from 401 to 800.

D. Local Road (minor) - A road that has the primary purpose of providing access to abutting properties. Typical number of average daily traffic (ADT) ranges from 0 to 400.

(15) Road Classification - Upgrades of County roads, including paving specifications, shall be in accordance with the standards set forth in Oconee County's Performance Standards Subdivision Regulations. Minimum right-of-way and pavement widths shall be as follows:

Road Type	Right-of-Way	Pavement
Arterial	66 feet	28 feet
Collector	50 feet	24 feet
Local (Major)	50 feet	22 feet
Local (Minor)	50 feet	20 feet

(16) Road Right-of-Way Width - The distance between property lines measured at right angles to the centerline of the street on a platted right-of-way, or the distance on each side of the center line of the road as set forth in a deeded right-of-way.

(17) Site Plan - The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and other information that reasonably may be required in order that an informed decision can be made by Oconee County.

(18) Subdivider - Any person, firm, corporation owner, agent, developer, or other legal entity who directly or indirectly attempts to subdivide land within the jurisdiction of this ordinance. See also "Developer".

(19) Subdivision - All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building development, and includes all division of land involving a new street or change in existing streets, and includes re-subdivision which would involve the further division or relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or, the alteration of any streets or the establishment of any new streets within any subdivision previously made and approved or recorded according to law, and includes combinations of lots of record. A subdivision shall include townhouses, condominiums, apartments and multi-family housing.

The following exceptions are included within this definition only for the purpose of requiring that the local planning agency be informed and have a record of the subdivisions:

(a) the combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the County;

(b) the division of land into parcels of five acres or more where no new street is involved and plats of these exceptions must be received as information by the County Planning Commission which shall indicate that fact on the plats; and

(c) the combination or recombination of entire lots of record where no new street or change in existing streets is involved.

(20) Townhouse - A building or group of buildings containing a dwelling unit or units constructed in a series or group of attached units with property lines separating such units.

(21) View Lane - The portion of a natural buffer utilized and maintained by the property owner to enhance observation of the lake and surrounding landscapes. Typically, the vegetation in the view lane is lower in height and/or smaller in diameter than that found in the rest of the buffer.

7.4 If any portion of this Ordinance is determined by a Court of competent jurisdiction to be unconstitutional or unlawful, all remaining provisions of this Ordinance shall remain in full force and effect.

H. Frank Ables, Jr., Chair
Oconee County Council

Attest:

Opal O. Green, Clerk to Council
1st Reading:
2nd Reading:
Public Hearing:
3rd Reading:

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: 5/1/06
COUNCIL MEETING TIME: 3:00 PM**

ITEM TITLE OR DESCRIPTION:

Third Reading of Ordinance 2006-09, "AN ORDINANCE REGULATING FALSE FIRE ALARMS TO WHICH OCONEE COUNTY RURAL FIRE DEPARTMENTS RESPOND"

BACKGROUND OR HISTORY:

The False Fire Alarm Ordinance adopted by Council in 2004 (Ordinance 2004-30) to serve as an incentive for fire alarm users to install and maintain reliable fire alarm systems, and to curtail the dispatching of fire equipment and manpower to respond to a non-existent fire. It is a very good tool, but the fee schedule should be periodically updated to make sure that a fee is of a sufficient size to get a violator's attention. County staff has updated the fee schedule for Council's consideration.

SPECIAL CONSIDERATION:

If Council adopts this ordinance these new fees should considerably reduce false alarm calls by serving as an incentive for owners to repair faulty alarm systems.

STAFF RECOMMENDATIONS FOR COMMITTEE ACTION:

All Cities have been sent copies of this new ordinance in the hope that they might adopt a similar ordinance.

Staff recommends Council adopt this ordinance on third and final reading.

FINANCIAL IMPACT:

Current Fee Schedule:

- ❖ 1st & 2nd false call – no charge
- ❖ 3rd & each additional false call - \$100 each

Proposed Fee Schedule:

- ❖ 1st & 2nd false call – no charge
- ❖ 3rd & 4th false call - \$250 each
- ❖ 5th false call - \$500
- ❖ 6th & each additional call - \$1,000 each

ATTACHMENTS:

- (1) Proposed 2006-09 Ordinance
- (2) Current 2004-30 Ordinance

Submitted or Prepared By:


Tom Hendriks
Department Head

Approved for Submittal to Council


Ron H. Rabun, County Administrator

Reviewed By:


n/a County Attorney

n/a Finance

n/a Other

PROPOSED ORDINANCE

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE 2006-09

AN ORDINANCE REGULATING FALSE FIRE ALARMS TO WHICH OCONEE COUNTY RURAL FIRE DEPARTMENTS RESPOND

ORDINANCES 2004-30 & 2004-05 ARE HEREBY RESCINDED IN THEIR ENTIRETY AND A NEW ORDINANCE IS ADOPTED TO READ AS FOLLOWS:

WHEREAS, Oconee County Rural Fire Departments respond on a regular basis to fire alarms which turn out to be false alarms; and

WHEREAS, responding to false fire alarms requires Rural Fire Departments to expend considerable money and manpower and exposes themselves and the public to danger and liability; and

WHEREAS, County Rural Fire Departments are unable to determine whether an alarm is false without responding to the call, thereby necessitating a response to each alarm; and

WHEREAS, it is the responsibility of the owner or lessee of every establishment or residence to purchase and maintain a reliable, approved and permitted fire alarm system;

NOW THEREFORE, BE IT ORDAINED, by the Oconee County Council, in session duly assembled with a quorum present and voting that:

- (A) Maximum annual limit. Every establishment or resident within the unincorporated areas of Oconee County having an approved and permitted fire alarm system shall be entitled to report a maximum of two (2) false alarms to an Oconee County Rural Fire Department with a one year (12 month) period without charge.
- (B) Service Charge. After determining that an Oconee County Rural Fire Department has responded to and arrived at the location of a false call or alarm, a fee shall be levied against the owner or lessee as follows:
- (1) 1st and 2nd false alarm call - no charge
 - (2) 3rd and 4th false alarm call within one year (12 month) period - \$250.00 each
 - (3) 5th false alarm call - \$500
 - (4) 6th false alarm call and each additional false alarm call within one year (12 month) - \$1,000.00 each

(C)

Upon a violation of Section (B)(2) of this Ordinance, the County Fire Chief or his/her designee shall present an invoice for the fee imposed. The County Rural Fire Department Office shall keep a duplicate of the invoice. The offending party shall have thirty (30) days to pay said invoice to the County. In the event that the offending party does not pay the invoice within thirty (30) days, Oconee County may file a civil action for the collection of said invoice. If Oconee County files a civil action to collect said invoice, Oconee County shall also be entitled to attorney's fees, Court costs and costs incurred for collecting said invoice.

ADOPTED this _____ day of _____, 2006.

H. Frank Ables, Jr.
Chairman
Oconee County Council

Attest:

Opal O. Gress, Clerk to Council

1st Reading: _____
2nd Reading: _____
3rd Reading: _____

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: 5/1/06
COUNCIL MEETING TIME: 3:00pm

ITEM TITLE OR DESCRIPTION:

Third Reading of Ordinance 2006-10, "OCONEE COUNTY LITTER CONTROL ORDINANCE".

BACKGROUND OR HISTORY:

This ordinance was approved by the Oconee County Planning Commission on March 20, 2006 and is a result of the Planning Commission's review and improvement of Ordinance 2004-29, "LITTER CONTROL ORDINANCE OF OCONEE COUNTY".

SPECIAL CONSIDERATIONS OR CONCERNS:

This ordinance creates the Litter Mitigation Fund. This fund will primarily be financed by fines imposed under this ordinance. The fund is to provide financial assistance to citizens in litter clean up and removal. The fund will be administered by the Oconee County Litter Mitigation Committee. Ten percent of all fines are to go to the Oconee County Sheriff's Department. These monies will be for supplies to aid in litter pickup.

STAFF RECOMMENDATION FOR COUNCIL ACTION:

Staff recommends adoption of this ordinance on third and final reading.


FINANCIAL IMPACT:

This ordinance, if aggressively enforced, should generate revenue for litter abatement and for the Sheriff's Department.

ATTACHMENTS:

Draft Ordinance 2005-06

Submitted or Prepared By:




Department Head/Elected Official

Approved for Submittal to Council:



Ron H. Rabun, County Administrator

Reviewed By/Initials:

 _____
County Attorney

_____ Finance

_____ Other

Revised March 29, 2006
(office of Brad Norton)

**OCONEE COUNTY
LITTER CONTROL ORDINANCE OF OCONEE COUNTY,
SOUTH CAROLINA**

SECTION 1. - NAME

This Ordinance shall be known as the "Litter Control Ordinance of Oconee County, South Carolina."

SECTION 2. - PURPOSE

Whereas, the Oconee County Council has become aware of increased littering of public and private property in the unincorporated areas of Oconee County; and

Whereas, said littering degrades the environment and threatens the beauty and quality of life traditionally enjoyed by Oconee County citizens; and

Whereas, said littering causes public detriment, creates health and safety hazards, diminishes property values, and negatively impacts efforts to further economic development; and

Whereas, Oconee County's citizens and taxpayers are unduly burdened by the costs of these effects of littering, as well as its cleanup and remediation; and

Whereas, the mitigation of the deleterious effects of litter benefits all of Oconee County's citizens and taxpayers;

It is the purpose of this Ordinance to establish regulations for the control of litter in the unincorporated areas of Oconee County, and to establish penalties such as are necessary to discourage the violations of these standards, and provide for recovery of costs incurred by Oconee County in the cleanup and remediation of said litter.

SECTION 3. - AUTHORITY

This Ordinance is adopted pursuant to the provisions of S.C. Code 1976 §4-9-39. Personnel employed by the County Administrator as Code Enforcement Officers and personnel employed by the Sheriff of Oconee County shall be vested with the authority to enforce and administer litter control within the county in accordance with the provisions of S.C. Code 1976 § 44-57-10 et. seq. and all rules and regulations adopted thereunder and the same are incorporated herein by reference as if fully set forth verbatim and as may be amended from time to time.

SECTION 4. - DEFINITIONS

For the purpose of this article the following definitions shall apply:

Best Management Practices. Actions and methods recommended and/or mandated by governmental agencies, trade associations and other authoritative entities associated with a particular industry or business.

Disposal package or container. All packages or containers defined as such by rules and regulations adopted by the State Department of Health and Environmental Control or Oconee County.

Enforcement Officer. Duly authorized law enforcement officers of Oconee County, including but not limited to, all law enforcement officers and deputies employed by the Oconee County Sheriff's Department, and designated Code Enforcement Officers employed by the County Administrator and duly certified as Code Enforcement Officers by the State of South Carolina.

Garbage. Waste food and food-related materials that may include, but shall not be limited to, fast-food scraps, grease from grease traps, discarded or leftover food from events such as parties, picnics and cookouts, and other food and food-related materials not properly stored for human or animal consumption.

Litter. All waste materials, on public or private property, not stored in secure litter receptacles meeting standards established in this document. Such materials may include, but shall not be limited to, disposable packages or containers, trash, garbage or refuse, or any other matter which may create a hazard to public health, safety and welfare. This definition shall also include unsolicited newspapers and/or advertisement materials placed on private property after due notification to the responsible party of the owner's desire not to receive said newspaper, advertisement, or publication. This definition shall not include either (1) waste materials produced through the primary processes of mining, dredging, logging, agricultural, commercial and industrial operations utilizing accepted best management practices in the handling and storage of such materials, including visual blight, or (2) scrap, salvage, and/or recyclable materials stored on private property in a manner that meets all local, state and federal regulations, including visual blight.

Littering. The act of dumping, throwing, dropping, depositing, discarding, placing, or in any way disposing of litter upon any public or private property within the jurisdictional boundaries of Oconee County.

Litter receptacle. Containers, boxes, barrels and other devices that allow for the sanitary, safe, secure, and orderly temporary storage of litter.

Owner. The term "owner" includes any person owning or having title, possession or control over real or personal property, including but not limited to, landholders, landlords, tenants, proprietor, and business operators.

Person. An individual, partnership, company, contractor, subcontractor, developer, cooperatives, corporation, firm, landlord, tenant, proprietor, owner, political subdivision, sub-development, state or county agency, trust, estate, joint venture or any other legal entity or its legal representative, agent or assignee.

Trash. Discarded waste materials and objects which may include, but shall not be limited to, old newspapers, food wrappers and containers, cigarettes, boxes, and other items not properly stored for disposal or recycling.

SECTION 5. - APPLICATION

(A) **Prohibition of Litter.** No person shall dump, throw, drop, deposit, discard, place or in any way dispose of litter upon any public or private property, or along any public roadway, in any stream, pond, lake or other water course, located in the jurisdictional area of Oconee County.

Exception:

Authorized persons meeting all facility rules and regulations that utilize properties designated for the disposal of solid waste by Oconee County and/or the State of South Carolina.

(B) Litter on Private Property-

1) All persons found by the Magistrate's Court, or Court of Competent Jurisdiction, to be responsible for littering on private property shall be held liable for cleanup and removal of said litter, and shall bear any and all financial costs or hardship incurred by either the property owner or Oconee County in remediation efforts.

2) In the event that the party responsible for littering is unknown, or is outside the jurisdiction of Oconee County for whatever reason, the owner of the property upon which the litter is located shall be liable for the removal of litter in accordance with Section 8, below.

3) In the event litter is moved by wind or other force of nature from one private property onto another private property, the owner of the property of origin shall be held responsible for cleanup and removal.

4) Property owners determined by the Magistrate's Court, or Court of Competent Jurisdiction, to be liable for removal of litter may request the Court's referral

to the Oconee County Litter Mitigation Committee for financial assistance from the Oconee County "Litter Mitigation Fund", created in Section 7 of this ordinance. If, in the Court's opinion, the said property owner produces sufficient evidence to show that compliance with these regulations would prove to be unduly burdensome, an application may be made for financial assistance from the "Litter Mitigation Fund".

(C) Transportation of Loose Materials- It shall be unlawful for any person, firm, corporation, institution, organization, contractor or subcontractor, or leaseholder, to transport any loose materials by truck, trailer or other motor vehicles within the corporate limits of Oconee County unless said material is covered or secured in such a manner as to prevent litter, leakage or spillage. Lack of adequate covering or securing of material while the loaded truck, trailer, moving vehicle, or other motor vehicle is in motion shall constitute a violation of this section.

(D) Responsibility of Driver of Vehicle- Whenever possible, the individual(s) responsible for the act of littering shall bear all liabilities associated with remediation; however, in the event that the Magistrate's Court, or Court of Competent Jurisdiction, determines that an act of littering was committed by one or more occupants of a motor vehicle, but is unable to ascertain the identity of the individual(s) responsible, the driver of said vehicle shall be held in violation of this article. If the Court is unable to ascertain the identity of the vehicle's driver at the time of the violation, the owner of the vehicle, or all occupants shall bear an equal share of any financial penalties and/or clean up and removal fees that result.

SECTION 6. - PENALTIES AND FINES

Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100.00 nor more than \$500.00 for each offense plus court costs (or thirty (30) days in jail, or both). As punishment, the court may also direct litter remediation or gathering labor as appropriate under the supervision of the court. In addition, the court may order any person violating the provisions of this article to pay restitution to the county or to the victims for the costs of removing or abating such litter. Ten (10%) percent of the fines collected by the County pursuant to this Ordinance shall be remitted to the Oconee County Sheriff's Department to help defray the cost of enforcing this Ordinance. The Magistrate's Court shall have jurisdiction to enforce this Ordinance.

SECTION 7. - LITTER MITIGATION FUND

(A) Creation of Fund- This section hereby establishes the "Litter Mitigation Fund," a financial account separately maintained by Oconee County, comprised solely of any and all fines collected by the County under the provisions of this ordinance (less any administrative, publication, and court costs and the portion to be remitted to the Sheriff's Department), and donations and grant monies specifically designated for litter mitigation and/or remediation in Oconee County. No tax revenues shall be utilized to support the Litter Mitigation Fund. Available financial assistance to applicants shall be limited to

monies in the fund at the time of application by the individual property owner; therefore, the establishment of this fund should in no way be construed as an obligation on behalf of Oconee County or any party associated with Oconee County to provide financial assistance to individual property owners in meeting the requirements of this ordinance.

(B) Purpose of Fund- The Litter Mitigation Fund shall be used only for providing financial assistance to individual property owners found under the provisions of this ordinance to be unduly burdened by the financial cost of litter clean up and removal. In no instance shall the amount of financial assistance awarded a property owner exceed the cost of clean up and removal of litter.

(C) Administration of Fund- The monies comprising the Litter Mitigation Fund shall be administered under the direction of the "Oconee County Litter Mitigation Committee", a body hereby created and composed of seven (7) residents of the unincorporated areas of Oconee County. The membership shall be composed as follows:

- One (1) member from each of the five (5) respective Council Districts;
- One (1) staff member from the Finance Department, nominated by the County Administrator;
- One (1) at-large member of the public.

All members shall be approved by a vote of County Council, and shall serve 3-year terms. Initial terms shall be staggered, with individual term lengths determined by chance.

The Committee shall operate under by-laws approved by County Council; however, all meetings and actions shall be open to the public. The Committee shall be subject to County audit and shall publish an annual report in a newspaper of general circulation detailing all revenues and expenditures.

(A) Operation of Fund- The Litter Mitigation Fund shall be operated as follows:

1. Applications for financial assistance from the fund may be submitted to the Litter Remediation Committee from individual property owners determined by the Magistrate's Court, or Court of Competent Jurisdiction, to be unduly burdened by the cost of complying with the provisions of this ordinance. No applications for assistance shall be considered without a referral from the Magistrate's Court. An application for assistance from the fund shall in no way alter a determination by the Magistrate's Court, or extend any deadline for compliance; however, if funds are available, an award by the Committee may in some cases help offset the financial cost of complying with the standards put forth in this ordinance.

2. The Litter Remediation Committee shall consider each application

in open meeting, and make a determination of need based on estimated litter clean up and removal costs as determined by county staff. In the event that available funds are anticipated to fall short of estimated costs, the Committee shall prioritize submitted applications based on greatest potential health and safety concerns. The amount of assistance awarded by the Committee shall be limited to monies available in the fund. Every attempt will be made to seek outside funding assistance from private non-profit or governmental resources.

3. Unless the needed work is determined by the County Administrator to be beyond the scope of expected capacity of County staff and equipment, all litter clean up and removal work financed by the Litter Mitigation Fund shall be performed by Oconee County. The cost of such work shall be determined by Oconee County staff. In the event that the County Administrator deems a mitigation project to be beyond the County's ability to perform, for whatever reason, the Procurement Director shall seek bids from independent contractors based on adopted standard bidding procedures. The schedule for completion of work shall be based on availability of manpower and resources. Failure by Oconee County or a contractor employed by Oconee County to complete a project on or before the date specified by the Magistrate's Court in no way alters the property owner's liability to comply with the Court's decision.

SECTION 8. - ENFORCEMENT

(A) Enforcement of the provisions of this article shall be carried out by enforcement officers comprised of duly authorized code enforcement or law enforcement officers of Oconee County, including but not limited to, all law enforcement officers and deputies employed by the Sheriff's Department, and designated Code Enforcement Officers employed by the County Administrator and duly certified as Code Enforcement Officers by the State of South Carolina. These enforcement officers shall be authorized to:

1. cause the inspection of any public or private property within the unincorporated limits of the county whenever it shall be necessary to enforce the provisions of this article.
2. issue a uniform summons to any person violating the provisions of this article in their presence.
3. serve written notice on the owner of a property containing litter as defined by this ordinance, requiring abatement or removal of same litter within 15 calendar days.

(B) Any property owner refusing or neglecting to abate or remove litter from property within 15 calendar days of receiving a written notice from an enforcement officer shall be served with a uniform summons and shall be subject to prosecution in accordance with

Section 6, above. In addition, the enforcement officer may cause the removal or abatement of such litter, with all expenses, including administrative, incurred in so abating or removing such litter recoverable from the owner of the property from which the litter is removed or abated, or from any person causing or maintaining the same, in the manner as debts or like amounts are now recoverable by law.

(C) Any person who is harmed or sustains damages arising out of a violation of this article shall be entitled to recover in a civil action threefold the actual damages from the person violating this article. The prevailing party in an action brought under this section shall be entitled attorney's fees and costs.

APPROVED on FIRST READING this _____ day of _____, 2006, by a vote of _____ YES _____ NO

OPAL O. GREEN, COUNCIL CLERK

APPROVED on SECOND READING this _____ day of _____, 2006, by a vote of _____ YES _____ NO

OPAL O. GREEN, CLERK

APPROVED on THIRD READING this _____ day of _____, 2006, by a vote of _____ YES _____ NO

Frank Abley, Chairman
Ozores County Council

Attest:

OPAL O. GREEN, CLERK

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: 5/1/06

COUNCIL MEETING TIME: 3:00pm

ITEM TITLE OR DESCRIPTION:

Third Reading of Ordinance 2006-11, AN ORDINANCE REGULATING THE USE OF COUNTY ROADS.

BACKGROUND OR HISTORY:

This ordinance requires that persons or entities that damage County roadways repair the roadways. Further, it requires encroachment permits when entities temporarily alter a roadway or right-of-way. This ordinance regulates parking and placement of signs in the County right-of-way. The ordinance also provides a method for the County to address drainage problems caused by roadways. The Planning Commission has reviewed this ordinance.

SPECIAL CONSIDERATIONS OR CONCERNS:

This ordinance is a result of the Oconee County Planning Commission's review of the Litter Control Ordinance for Oconee County.

STAFF RECOMMENDATION FOR COUNCIL ACTION:

Staff recommends adoption of this ordinance on third and final reading.

FINANCIAL IMPACT:

This ordinance should have a positive financial impact for Oconee County as it shifts the financial burden of repairing damaged roadways to the party responsible for damaging the roadway.

ATTACHMENTS:

Proposed Ordinance.

Submitted or Prepared By:



Department Head/Elected Official

Approved for Submittal to Council:



Ron H. Rabun, County Administrator

Reviewed By/ Initials:

_____ County Attorney

_____ Finance

_____ Other

STATE OF SOUTH CAROLINA

COUNTY OF OCONEE

OCONEE COUNTY COUNCIL ORDINANCE NO. 2006-

REGULATING THE USE OF COUNTY ROADS

WHEREAS, Oconee County maintains both paved roads, gravel roads and rights of way within the geographical limits of Oconee County, South Carolina; and

WHEREAS, paving and maintaining roads and rights of way are expensive; and

WHEREAS, various activities of third parties may cause damage to County roads, resulting in the additional expenditure of money to maintain said roads; and

WHEREAS, there can arise water drainage problems along roads and road rights of way; and

WHEREAS, parking on or near the pavement or on the right of way, or stacking or piling material near the pavement or right of way creates traffic hazards; and

WHEREAS, unauthorized signs create line of sight problems for drivers; and the signs deteriorate and become unsightly and create litter;

NOW, THEREFORE, BE IT ORDAINED BY THE OCONEE COUNTY COUNCIL duly assembled with quorum present and voting and upon third and final reading the following:

Section 1.

Definitions:

- (a) "Person" shall mean any individual, corporation, company, partnership, utility and or municipality.
- (b) "Road" shall mean any paved road, gravel road, dirt road or bridge that is owned and/or maintained by Oconee County or as part of the County Road System.

- (c) "Right-of-way" shall mean all of that area presently used, owned, or dedicated to or by the County and/or S.C. Department of Transportation (SCDOT) for a road, including driveway aprons, and all other areas of the right-of-way whether or not physically incorporated in the street.

Section 2. Damage

- (a) Any person, entity or utility that engages in an activity which causes damage to a County road or road structure shall be responsible for repairing said County road or road structure to SCDOT standard specifications for highway construction. This does not include normal wear and tear to a road caused by normal use of said road.
- (b) Any person driving, operating or moving any vehicle, object or contrivance upon any County road or road structure shall be liable for any damage which road or structure may sustain as a result of dragging, scraping, breaking or any other damage done to said road or structure. Any such persons will also be liable to the County for the cost of such injury or damage.
- (c) Any person making unauthorized modifications to a County road or road structure shall be responsible for the costs of returning the road or structure to its original condition.

Section 3. Drainage

- (a) Property owners adjoining the road right-of-way may request that the County perform work to assist the property owner with a drainage problem. The County may construct berms, swales and/or ditches, or install plastic or concrete pipe along the County maintained road right-of-way. The property owner shall pay two and one-half (2 1/2) times the material costs to cover the material cost and labor for said project. The property owner shall sign a hold harmless agreement releasing the County from any liability associated with future drainage problems, in advance of scheduling the project. Projects will be scheduled on a first pay, first scheduled basis.
- (b) The County Engineer, or his designee, will provide a cost estimate for the material costs of the project. Special services or equipment needed to complete the job will be bill as invoiced by the contractor or vendor providing the special service or equipment.

- (d) The County cannot assist in any drainage matter outside of the road right-of-way, and may only perform work within the County right-of-way.

Section 4. Encroachment

- (a) All persons desiring to excavate within, encroach upon, or in any way alter a County maintained road and/or right-of-way, shall notify the County Engineer and submit to the Oconee County Road Department an application for an encroachment permit, together with the required fees and security as determined periodically by County Council, at least forty-eight (48) prior to initiating such work. A schedule of required fees and securities shall be available for review from the Oconee County Road Department.
- (b) Upon completing the permitted activity, the applicant shall restore the County-maintained road and/or right-of-way to its original condition, insuring that all repairs conform to the requirements contained in the SCDOT standard specifications for highway construction. Eighteen (18) months after the permitted activity, the security shall be returned to the applicant provided the County Engineer, upon final inspection, approves the repair. If the County Engineer deems the repair to be unacceptable, the security shall be retained by the County and used to properly repair and restore the road and/or right-of-way to its original condition. Once the road and/or right-of-way has been properly repaired, any excess security will be returned to the applicant.

Section 5. Road Safety

- (a) All persons shall park vehicles and equipment at least three (3) feet from the edge of the pavement on all roads. Parked vehicles and equipment shall not block ditches and swales or in any way inhibit drainage.
- (b) No person shall place any type of material within three (3) feet of the pavement.
- (c) No person shall place a sign on a road in Oconee County that will restrict visibility or inhibit sight lines of drivers.
- (d) Signs on roads in Oconee County remaining for more than 7 days, will require an encroachment permit from the Road Department.

Section 5. Penalties

Failure to comply with any of the requirements of this ordinance constitutes a misdemeanor and shall be punishable by a fine not to exceed one thousand (\$1,000.00) dollars. In addition, in the event that Oconee County must file a civil suit in order to enforce its rights under this ordinance, the County shall be entitled to reasonable attorney's fees.

APPROVED on FIRST READING this _____ day of _____, 2006, by a vote of:

_____ YES

_____ NO

OPAL O. GREEN, COUNCIL CLERK

APPROVED on SECOND READING this _____ day of _____, 2006, by a vote of:

_____ YES

_____ NO

OPAL O. GREEN, CLERK

APPROVED on THIRD READING this _____ day of _____, 2006, by a vote of:

_____ YES

_____ NO

Frank Abies, Chairman
Oconee County Council

Attest:

OPAL O. GREEN, CLERK

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC
COUNCIL MEETING DATE:
COUNCIL MEETING TIME:

ITEM TITLE OR DESCRIPTION:

Ordinance No. 2006-13 -An Ordinance Amending Ordinance 2003-12 Which Established The Keowee Fire Tax District and The Keowee Fire Commission

BACKGROUND OR HISTORY:

This Ordinance will amend the ordinance that created the Keowee Fire Commission as requested by the Keowee Fire Commission. The amendments will respond to changing state requirements and stagger the terms of office for the Commission. The amendment will also allow the Commission to appoint an Interim Commissioner in case of a vacancy and will remove the requirement to send a year end report to the State of South Carolina.

SPECIAL CONSIDERATIONS OR CONCERNS:

None.

STAFF RECOMMENDATION:

Adoption of Ordinance 2006-13 on first reading.

FINANCIAL IMPACT:

None.

ATTACHMENTS:

Proposed Ordinance 2006-13

Submitted or Prepared By:

Brad A. Norton

Approved for Submittal to Council:



Ron H. Rabun, County Administrator

Reviewed by/Initials:

_____ :County Attorney

_____ :Finance

OCONEE COUNTY COUNCIL

ORDINANCE NO. 2006-13

AN ORDINANCE AMENDING ORDINANCE 2003-12 WHICH ESTABLISHED THE KEOWEE FIRE TAX DISTRICT AND THE KEOWEE FIRE COMMISSION

WHEREAS, the Keowee Fire Tax District and the Keowee Fire Commission were established by Ordinance 2003-12 on August 19, 2003; and

WHEREAS, the Keowee Fire Commission has requested that Ordinance 2003-12 be amended; and

WHEREAS, the Oconee County Council finds that it is in the best interest of the citizens of Oconee County and especially the citizens with the Keowee Fire Tax District to amend Ordinance 2003-12;

NOW THEREFORE, Be It Ordained, by the Oconee County Council, in session, duly assembled, and upon third and final reading, that Ordinance 2003-12 be amended as follows:

1. Section 3.02, Election of Commissioners is amended as follows:

3.02 Election of Commissioners. The Commission shall consist of five commissioners, each elected to a four-year term in the regular November general election in even numbered years. The three candidates with the highest number of votes in the November 7, 2006 election shall serve four-year terms beginning on January 1, 2006 and ending on December 31, 2010. The two candidates with the fourth and fifth highest number of votes shall initially serve a two-year term beginning on January 1, 2007 and ending on December 31, 2008. Thereafter the candidates elected to these two positions shall serve four-year terms. The candidates for Commissioner shall be qualified electors for the tax district and shall meet the candidate filing reporting requirements of the County.

2. Section 3.03, Filling of Vacancies:

Any vacant seat on the Commission may be filled by appointment of an interim Commissioner by the remaining members of the Commission. The seat of this interim Commissioner shall be filled at the next general election. In the event all five Commission seats become vacant,

County Council shall appoint one person, who is a qualified elector of the Tax District, to serve as Acting Commissioner only until such time as an election can be held and one or more new Commissioners are elected.

3. Section 4.04, Reporting responsibilities is amended as follows:

4.04 Reporting responsibilities. The Commission shall be responsible for submitting a year end report accompanied by a budget and request for the next year tax rate in mills to the Oconee County Administrator who will distribute the report to the Council and County officers and departments as elected.

4. The two amendments to Ordinance 2003-12 shall take effect on third and final reading of this Ordinance by the Oconee County Council.

H. Frank Ables, Jr., Chair
Oconee County Council

Attest:

Opal O. Groot, Clerk

1st Reading:
2nd Reading:
3rd Reading:

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC
COUNCIL MEETING DATE: May 1, 2006
COUNCIL MEETING TIME: 3:00PM

ITEM TITLE OR DESCRIPTION:

Second reading of the Kendall Healthcare of Seneca (AKA TYCO Healthcare) FILOT Extension Request, Ordinance No. 2006-02.

BACKGROUND OR HISTORY:

In 2000 Oconee County approved a FILOT agreement as an incentive for a \$5,000,000 investment by the TYCO Company. That investment has been completed and the company is now requesting an extension of the FILOT agreement and is proposing to invest another \$5,100,000 over the next 3 years. The proposed FILOT has a fixed millage rate of 6%.

SPECIAL CONSIDERATIONS OR CONCERNS:

This FILOT agreement extension will permit the Seneca Kendall Healthcare facility (TYCO Healthcare) to upgrade their sequential compression device (SCD also known as "beds") production equipment in order to keep this manufacturing operation competitive.

STAFF RECOMMENDATION FOR COUNCIL ACTION:

Approve on the second reading this request for a FILOT.

FINANCIAL IMPACT:

The county will collect approximately \$278,000 in fees-in-lien-of-taxes (FILOT) over the next 20 years if the recommended agreement is approved.

ATTACHMENTS:

1. Cover letter from the Economic Development Commission dated April 24, 2006 with 4 attachments. These attachments provide details on the investments and fees associated with this request.
2. Ordinance No. 2006-02

Submitted or Prepared By:


Department Head/Elected Official
James W. Alexander

Approved for Submittal to Council:


Ron H. Rabun, County Administrator

Reviewed By/ Initials:

 County Attorney

Finance

Procurement

C: Clerk to Council

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC
COUNCIL MEETING DATE: May 1, 2006
COUNCIL MEETING TIME: 3:00PM

ITEM TITLE OR DESCRIPTION:

Second reading of the Kendall Healthcare of Seneca (AKA TYCO Healthcare) PILOT Extension Request, Ordinance No. 2006-02.

BACKGROUND OR HISTORY:

In 2000 Oconee County approved a PILOT agreement as an incentive for a \$5,000,000 investment by the TYCO Company. That investment has been completed and the company is now requesting an extension of the PILOT agreement and is proposing to invest another \$5,100,000 over the next 3 years. The proposed PILOT has a fixed millage rate of 6%.

SPECIAL CONSIDERATIONS OR CONCERNS:

This PILOT agreement extension will permit the Seneca Kendall Healthcare facility (TYCO Healthcare) to upgrade their sequential compression device (SCD also known as "teds") production equipment in order to keep this manufacturing operation competitive.

STAFF RECOMMENDATION FOR COUNCIL ACTION:

Approve on the second reading this request for a PILOT.

FINANCIAL IMPACT:

The county will collect approximately \$278,000 in fee-in-lieu-of-taxes (PILOT) over the next 20 years if the recommended agreement is approved.

ATTACHMENTS:

1. Cover letter from the Economic Development Commission dated April 21, 2006 with 4 attachments. These attachments provide details on the investments and fees associated with this request.
2. Ordinance No. 2006-02.

Submitted or Prepared By:


Department Head/Elected Official
James W. Alexander

Approved for Submittal to Council:


Ron H. Rahun, County Administrator

Reviewed By/ Initials:

 County Attorney

Finance

Procurement

C: Clerk to Council

**COUNTY OF OCONEE
ORDINANCE 2006-02**

**APPROVING AN EXTENSION OF TIME OF THE INVESTMENT
PERIOD UNDER THE EXISTING FEE-IN-LIEU OF TAXES ARRANGEMENT
BETWEEN TYCO HEALTHCARE GROUP L.P. AND OCONEE COUNTY**

WHEREAS, Oconee County, South Carolina (the "County") and Tyco Healthcare Group L.P., a Delaware limited partnership ("Tyco"), entered into that certain Fee Agreement dated effective as of December 4, 2001 (the "Fee Agreement"), pursuant to Title 12, Chapter 44 (the "Act") of the Code of Laws of South Carolina, 1976 (the "Code"), wherein Tyco agreed to locate in the County certain manufacturing facilities and equipment having a value of not less than \$5,000,000 (as so described in the Fee Agreement, the "Project") and make fee in lieu of *ad valorem* tax ("FILOT") payments to the County with respect to the Project, and the County agreed to accept FILOT payments with respect thereto; and

WHEREAS, the Fee Agreement provides for an assessment ratio of 6% and a fixed millage rate of 196 mills for the duration of the Fee Agreement which is anticipated to be 20 years for each component of the Project placed in service during the investment period, as well as an infrastructure credit of twenty percent (20%) for each phase of the Project against the FILOT revenues to offset certain infrastructure costs, not to exceed the amount of any qualifying infrastructure costs incurred by the Company as permitted by statute (the "SSRC");

WHEREAS, Tyco has to date invested at least \$5,000,000 in the County; and

WHEREAS, Tyco intends to further expand its investment in the Project in order to complete its Project in accordance with its business plan in the amount of approximately \$5,000,000 over the next five (5) years which is anticipated to result in the creation of approximately 20 new jobs; and

WHEREAS, South Carolina Code Annotated §12-44-30(13) permits Tyco to request an extension of time of up to five (5) years to complete the project; and

WHEREAS, Tyco has applied to the County for an additional five (5) years to complete the Project; and

WHEREAS, the County Council has found that the Project does and will subserve the purposes of the Act; that the Project is anticipated to benefit and benefits the general public welfare of the County by providing services, employment, recreation and other County benefits not otherwise provided locally; that the Project does not and will not give rise to pecuniary liability of the County or any incorporated municipality or charge against the general credit or taxing power of either; and that all other terms and provisions of the Fee Agreement are consistent with the additional investment by Tyco; and

WHEREAS, Tyco and the County desire to evidence the approval by Oconee County Council of the above-referenced extension of the investment period to complete the Project by an additional 5 years.

NOW, THEREFORE, BE IT ORDAINED by the Oconee County Council in meeting duly assembled; that:

1. The Oconee County Council hereby approves in accordance with the Act an extension of time to Tyco to complete the Project by an additional 5 years from the end of the Investment Period (as defined in the Fee Agreement), which is currently December 31, 2006. Tyco shall therefore now have until December 31, 2011, to complete the Project and make additional investments that qualify for FILOT and the SSRC.
2. The County Council Chairman shall be authorized to execute on behalf of the County such documents as the County Council Chairman, after consultation with the County Attorney, determines are reasonably required in order to further reflect or evidence the above-stated approval by Oconee County, including, without limitation, any modifications to the documents previously executed or approved by the County relating to the Project or as may be required.

DONE AND PASSED this _____ day of _____, 2006.

OCONEE COUNTY,
SOUTH CAROLINA

BY: _____

Oconee County Council Chairman

ATTEST:

Opal O. Green
Clerk, Oconee County Council

First Reading	February 21, 2006
Second Reading	May 1, 2006
Public Hearing	May 16, 2006
Third Reading	May 16, 2006

STATE OF SOUTH CAROLINA)
)
COUNTY OF OCONEE) **AMENDMENT TO FEE AGREEMENT**

THIS AMENDMENT TO FEE AGREEMENT ("Amendment") dated _____, 2006, is by and between Oconee County, South Carolina (the "County") and Tyco Healthcare Group L.P., a Delaware limited partnership ("Tyco").

RECITALS:

WHEREAS, Tyco and the County entered into a Fee Agreement dated December 4, 2001 pursuant to which Tyco agreed to make fee-in-lieu of ad valorem tax payments ("FILOT") to the County with respect to the Project as described in the Fee Agreement; and

WHEREAS, the Fee Agreement allows for an infrastructure credit of 20% against the payments due under the Fee Agreement for certain qualifying infrastructure costs (the "SSRC"); and

WHEREAS, Tyco has requested an extension of the Minimum Investment Date (as defined in the Lease) by an additional five (5) years pursuant to the Fee Agreement and Section 12-44-30(13) of S.C. Code Ann. (1976), as amended, in order to complete the Project; and

WHEREAS, the parties desire to amend the Fee Agreement in order to reflect such additional extension.

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, including the investment of additional moneys into the Project (as defined in the Fee Agreement) and the creation of approximately twenty (20) new jobs by Tyco, the parties hereto agree as follows:

1. The parties acknowledge and agree that Tyco has met the Minimum Investment Requirements as defined in the Fee Agreement.
2. The definition of "Investment Period" in section 1.01 of the Fee Agreement is hereby amended and restated as follows:

"Investment Period" shall mean the period commencing sixty (60) days prior to August 21, 2001, and ending on the last day of the tenth (10th) property tax year following the earlier of (i) the property tax year in which Economic Development Property is first placed in service (whether the whole Project or the First Phase thereof); or (ii) the end of the property tax year of the Company which is three (3) years from the year in which this Fee Agreement is executed.

3. All additional investments made by Tyco during the Investment Period shall be entitled to the benefits provided in the Fee Agreement and the Inducement Agreement (as defined in the Fee Agreement), including the negotiated payments described in Section 4.1 of the Fee Agreement and the Infrastructure Credit described in Section 4.2 of the Fee Agreement.

4. Any provision in the Lease which is contrary to the definition of "Investment Period", as amended hereby, shall hereby be deemed to be amended to provide for the additional extension period so as to fully effectuate the intent of the parties to provide the tenant with the maximum investment period as allowed by law.

IN WITNESS WHEREOF, Oconee County, South Carolina has executed this Amendment to Fee Agreement by causing its name to be hereunto subscribed by the Chairman of its County Council and the official seal of said County Council to be impressed thereon and attested by the Clerk to County Council, and Tyco has executed this Amendment to Fee Agreement by causing its corporate name to be hereunto subscribed by its President, or duly authorized Vice President, all being done as of the day and year first above written.

WITNESS:

TYCO HEALTHCARE GROUP L.P.

Signature: _____
Name: _____
Its: _____
Date: _____

WITNESS:

OCONEE COUNTY, SOUTH CAROLINA

By: _____
Title: _____
Name: _____

ATTEST:

By: _____
Clerk to County Council of
Oconee County, South Carolina



Economic Development Commission

Seneca Center for Innovation Center

April 24, 2006

To All Concerned

Kendall Healthcare of Seneca (AKA TCYO Healthcare) was approved for a Fee-In-Lieu-Of-Tax (FILOT) agreement in 2000. They have invested \$5.0M since then and are now requesting a FILOT extension for an estimated \$5.1M investment over the next three years. This proposed investment exceeds the \$5.0M investment within 5 years required to make it eligible for a FILOT.

The proposed investments are planned as follows:

2006	\$ 683,000
2007	\$2,200,000
2008	\$2,300,000
Total	\$5,183,000

Since the investment deals with new machinery and equipment I have provided 4 attachments to highlight the importance of this proposed investment.

Attachment 1 Depreciation Chart

This chart shows the planned investments over a three year period and the depreciation on this investment.

Attachment 2 FILOT Chart

This chart shows the investment value, the assessed value and the estimated fees to be paid based on a 6% fee for 20 years plus a special source revenue credit of 20% for five years.

Attachment 3 Abatement Chart

This chart shows the projected taxes without the FILOT being in effect.

Attachment 4 Comparison Chart

This chart shows the projected fees to be paid versus the taxes that would be paid without a FILOT.

Please remember that a FILOT is used to encourage new and existing companies to make new investments in Oconee County. If we did not offer this incentive the investment would be made elsewhere and we are not considered as being business friendly and future expansions would go elsewhere.

502 East Main Street
Walhalla, SC 29691-2028

Phone (864) 638-4210 • Fax (864) 638-4209

E-mail alexander@oconeeasc.com

By approving this FILOT extension we stand to receive \$278,300 in fees over the next 20 years. Without approval we get zero fees and send a message we do not care about our industrial family.

Sincerely,


James W. Alexander
Director

Tyco Healthcare
Machinery & Equipment Depreciation Chart

<u>Year</u>	2006-\$683,000	2007-\$2,298,000	2008-\$2,300,000	<u>Total Value</u>
	<u>Investment Value</u>	<u>Investment Value</u>	<u>Investment Value</u>	
2006	\$607,870.00			\$607,870.00
2007	\$532,740.00	\$1,958,000.00		\$2,490,740.00
2008	\$457,610.00	\$1,716,200.00	\$2,047,000.00	\$4,220,810.00
2009	\$382,480.00	\$1,474,000.00	\$1,794,000.00	\$3,650,480.00
2010	\$307,350.00	\$1,232,000.00	\$1,541,000.00	\$3,080,350.00
2011	\$232,220.00	\$990,000.00	\$1,288,000.00	\$2,510,220.00
2012	\$157,090.00	\$748,000.00	\$1,035,000.00	\$1,940,090.00
2013	\$81,960.00	\$506,000.00	\$782,000.00	\$1,369,960.00
2014	\$68,300.00	\$284,000.00	\$529,000.00	\$861,300.00
2015	\$68,300.00	\$220,000.00	\$276,000.00	\$564,300.00
2016	\$68,300.00	\$220,000.00	\$230,000.00	\$518,300.00
2017	\$68,300.00	\$220,000.00	\$230,000.00	\$518,300.00
2018	\$68,300.00	\$220,000.00	\$230,000.00	\$518,300.00
2019	\$68,300.00	\$220,000.00	\$230,000.00	\$518,300.00
2020	\$68,300.00	\$220,000.00	\$230,000.00	\$518,300.00
2021	\$68,300.00	\$220,000.00	\$230,000.00	\$518,300.00
2022	\$68,300.00	\$220,000.00	\$230,000.00	\$518,300.00
2023	\$68,300.00	\$220,000.00	\$230,000.00	\$518,300.00
2024	\$68,300.00	\$220,000.00	\$230,000.00	\$518,300.00
2025	\$68,300.00	\$220,000.00	\$230,000.00	\$518,300.00

Assumptions:

Depreciation- 11%

Investment Value- 2006- \$683,000.00

Investment Value- 2007- \$2,200,000.00

Investment Value- 2008- \$2,300,000.00

Tyco Healthcare
Machinery & Equipment F.I.L.O.T. Chart

Tax Year	Investment Value	Assessed Value @ 6.0%	Estimated Annual	
			at 6% Filot Payment-196.00	20% SSRC Credit for 5 Years
2006	\$607,870.00	\$36,472.20	\$7,148.55	\$5,718.84
2007	\$2,490,740.00	\$149,444.40	\$29,291.10	\$23,432.88
2008	\$4,230,610.00	\$253,836.60	\$49,634.37	\$39,707.50
2009	\$3,650,480.00	\$219,028.80	\$42,929.64	\$34,343.72
2010	\$3,080,350.00	\$184,821.00	\$36,224.92	\$28,979.93
2011	\$2,510,220.00	\$150,613.20	\$29,520.19	\$23,520.19
2012	\$1,940,090.00	\$116,405.40	\$22,815.46	\$18,015.46
2013	\$1,369,960.00	\$82,197.60	\$16,110.73	\$12,610.73
2014	\$861,300.00	\$51,678.00	\$10,128.89	\$7,938.89
2015	\$564,300.00	\$33,858.00	\$6,636.17	\$5,236.17
2016	\$518,300.00	\$31,098.00	\$6,095.21	\$4,895.21
2017	\$518,300.00	\$31,098.00	\$6,095.21	\$4,895.21
2018	\$518,300.00	\$31,098.00	\$6,095.21	\$4,895.21
2019	\$518,300.00	\$31,098.00	\$6,095.21	\$4,895.21
2020	\$518,300.00	\$31,098.00	\$6,095.21	\$4,895.21
2021	\$518,300.00	\$31,098.00	\$6,095.21	\$4,895.21
2022	\$518,300.00	\$31,098.00	\$6,095.21	\$4,895.21
2023	\$518,300.00	\$31,098.00	\$6,095.21	\$4,895.21
2024	\$518,300.00	\$31,098.00	\$6,095.21	\$4,895.21
2025	\$518,300.00	\$31,098.00	\$6,095.21	\$4,895.21

Assumptions:
 Assessment Rate 6%
 Fixed Millage Rate 196.00
 Investment Value See M&E Depreciation Chart
 Millage Rate 0.1960
 Depreciation Value 11%
 20 % SSRC Credit (if applicable) 5 years remaining

Iyco Healthcare
Machinery & Equipment Abatement Chart

<i>Year</i>	Investment Value M & E	Assessed Value at 10.50%	Millage Rate w/ Abatement w/ 1% Growth for 5 Years	Estimated Annual at 10.5% Abatement Payment
2006	\$607,878.00	\$63,826.35	145.60	\$9,165.46
2007	\$2,490,740.00	\$251,527.70	145.04	\$37,930.93
2008	\$4,220,610.00	\$441,164.05	146.49	\$64,917.49
2009	\$3,630,480.00	\$383,300.40	147.95	\$56,709.76
2010	\$3,080,350.00	\$323,436.75	149.43	\$48,331.39
2011	\$2,510,220.00	\$263,573.10	227.65	\$69,092.42
2012	\$1,940,090.00	\$203,709.45	229.93	\$46,838.20
2013	\$1,369,960.00	\$143,845.80	232.23	\$32,404.70
2014	\$861,300.00	\$90,436.50	234.55	\$21,211.70
2015	\$564,300.00	\$59,251.50	236.89	\$14,026.30
2016	\$518,300.00	\$54,421.50	239.26	\$13,021.02
2017	\$518,300.00	\$54,421.50	241.66	\$13,151.23
2018	\$518,300.00	\$54,421.50	244.07	\$13,282.74
2019	\$518,300.00	\$54,421.50	246.51	\$13,415.57
2020	\$518,300.00	\$54,421.50	248.98	\$13,549.73
2021	\$518,300.00	\$54,421.50	251.47	\$13,685.22
2022	\$518,300.00	\$54,421.50	253.98	\$13,822.06
2023	\$518,300.00	\$54,421.50	256.52	\$13,960.30
2024	\$518,300.00	\$54,421.50	259.08	\$14,099.99
2025	\$518,300.00	\$54,421.50	261.68	\$14,240.90

Assumptions:

Investment Value- See Machinery & Equipment Depreciation Chart (13%)

Statutory Abatement for 5 years for Machinery & Equipment

Current Millage Rate- 216.6

Current Abatement Credit- 73.0

Assessment Rate- 10.5%

**Tyco Healthcare
Comparison Chart**

<u>Year</u>	<u>FILOT Value</u>	<u>Abatement Values</u>	<u>FILOT to Abatement Savings</u>
2006	\$5,718.84	\$9,165.45	(\$3,446.62)
2007	\$23,437.88	\$17,930.93	(\$14,498.05)
2008	\$39,707.50	\$64,917.48	(\$25,209.99)
2009	\$34,343.72	\$56,709.76	(\$22,366.05)
2010	\$28,979.93	\$48,331.39	(\$19,351.46)
2011	\$29,520.19	\$60,002.42	(\$30,482.23)
2012	\$22,815.46	\$46,838.20	(\$24,022.74)
2013	\$16,110.73	\$33,404.70	(\$17,293.97)
2014	\$10,128.89	\$21,211.70	(\$11,082.81)
2015	\$6,636.17	\$14,036.30	(\$7,400.13)
2016	\$6,095.21	\$13,021.03	(\$6,925.81)
2017	\$6,095.21	\$13,151.23	(\$7,056.02)
2018	\$6,095.21	\$13,282.74	(\$7,187.54)
2019	\$6,095.21	\$13,415.57	(\$7,320.36)
2020	\$6,095.21	\$13,549.73	(\$7,454.52)
2021	\$6,095.21	\$13,685.23	(\$7,590.02)
2022	\$6,095.21	\$13,822.08	(\$7,726.87)
2023	\$6,095.21	\$13,960.30	(\$7,865.09)
2024	\$6,095.21	\$14,099.90	(\$8,004.69)
2025	\$6,095.21	\$14,240.90	(\$8,145.69)
Total After 20 years	\$378,346.58	\$528,777.04	(\$350,430.66)

Assumptions:

FILOT Value- See FILOT Chart

Abatement Value- See Abatement Chart

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

**COUNCIL MEETING DATE: MAY 1, 2006
COUNCIL MEETING TIME: 3:00 P.M.**

ITEM TITLE OR DESCRIPTION:

PROPOSED AMENDMENT TO ORDINANCE 2003-07, BUDGET ADOPTION CRITERIA.

BACKGROUND OR HISTORY:

Councilman Crumpton has proposed an amendment to the budget section of Ordinance 2003-07 (County Administrator form of government), Section 9.4 "Amendments to Budget", which would call for a quorum of four (4) council members to adopt the annual budget, as well as certain other revisions to internal budget procedures. This amendment was referred for study, by council to the Budget and Finance Committee on March 7, 2006. The amendment was written by the County Attorney without staff input. Since March 7th, staff has now had an opportunity to review the county attorney's draft (Attachment #1).

After careful review, we recommend no changes to the current ordinance.

SPECIAL CONSIDERATIONS OR CONCERNS:

Current Ordinance 2003-07, (Attachment #3) Section 9.4 "Amendments to Budget" addresses the methods that **council** may modify the budget adoption ordinance. Those methods are:

- Transfer of funds from contingency
- Transfer of funds between departments.
- Supplemental Appropriations

The current Ordinance (#2003-07), Section 9.6 "Quorum", provides that three (3) members of council shall constitute a quorum of Oconee County Council.

The county attorney's draft ordinance (Attachment #1) appears to address four (4) topics:

- A. Renaming the section from Amendments to Budget to "Budget Ordinance"
- B. Quorum necessary for approval of the annual Budget Adoption Ordinance.
- C. "Unless previously approved in the annual appropriations Ordinance, any expenditure by the County in excess of ten thousand (\$10,000.00) dollars must be approved by County Council by a positive vote of a minimum of three Council members with a minimum of four Council members attending the meeting."
- D. Creation of a new section which addresses how changes in line items are made.

STAFF ANALYSIS & RECOMMENDATION:

Staff makes the following analysis of the county attorney's draft:

- A. Renaming the section from "Amendments to Budget" to "Budget Ordinance". This section of our current county Ordinance 2003-07 properly describes the method by which the council may amend the budget. This also mirrors the state constitution. **Existing language should be kept. No need for a change.**

- B. Quorum vote to adopt the annual budget. All other actions of council either pass or fail by simple majority. Other counties in the Upstate (Pickens, Anderson, for instance) adopt their budgets by simple majority. All other actions by council are by a simple majority. If this were changed, it would be unusual compared to most other SC counties.

If, however, the council does desire to have four (4) members present and a minimum of three (3) members voting to adopt the annual budget, Section 9.6 "Quorum" of Ordinance 2003-07 can be amended to reflect the change at Council's discretion. Staff does not believe this change is necessary, but we do not oppose it, if Council believes this kind of change is important.

- C. Adoption of a new section which reads, "Unless previously approved in the annual appropriations ordinance, any expenditure by the County in excess of ten thousand (\$10,000.00) dollars must be approved by County Council, . . ." Staff does not understand how this proposed new section will improve things. Currently the county does not spend outside of the approved budget. All operational and capital line items are descriptive and any changes that are requested are processed in accordance with our adopted financial policies and with the adopted purchasing ordinance. Staff does not recommend this change.
- D. Adoption of a new section 9.4.2 which addresses changes in line items within the adopted budget. Any line item transfers are currently processed in accordance with adopted council policy as a part of the annual budget ordinance. For example, the current 2005-2006 Budget (adopted by Ordinance #2005-10) contains the Budget Provisos in Section B (shown at attachment #4), which already address this issue. Staff believes that the current council-adopted criteria for making line item transfers have the proper balance of financial control, and needed staff flexibility to get the job done. We recommend that this section of the current budget ordinance not be changed.

CONCLUSION:

With the exception of the proposed change in the voting quorum (to which we are neutral) to adopt the annual budget, the other proposed changes are not recommended as they would contradict the allowances of the State Constitution, Section 4-9-630 of the South Carolina Code, and County Ordinance 2003-07 establishing the County Administrator form of government in Oconee County. These cited laws plainly authorize the County Administrator to supervise the appropriated funds as adopted by County Council. To do this job properly, the administrator needs appropriate financial and management flexibility at the levels currently authorized.

RECOMMENDATION:

Option #1 Recommendation – Take no action

Option #2 - At Council's discretion, and if deemed important, conduct first reading to adopt only the ordinance amendment (Attachment #2) proposing a change in the required quorum of council for the adoption of the annual budget from three (3) members to four (4) members with three (3) members voting affirmatively to adopt the annual budget.


ATTACHMENTS:

1. County Attorney's draft of Ordinance Amendment
2. Ordinance to change the voting quorum to adopt the annual budget (option #2)
3. Ordinance 2003-07 adopting the county administrator form of government
4. Section B Provisos (from Budget Ordinance 2005-10)
5. South Carolina Code 4-9-630

Submitted or Prepared by:

Ron H. Rabun
(Department Head)

Approved By:


Ron H. Rabun,
Oconee County Administrator

Reviewed By/ Initials:

_____ County Attorney

_____ Finance

_____ Other

C: Clerk to Council

ORDINANCE 2006-
AN ORDINANCE AMENDING ORDINANCE 2003-07, AN ORDINANCE
ESTABLISHING THE COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT

Article IX, Section 9.4 is hereby amended to read as follows.

9.4 Budget Ordinance

9.4.1 In order to approve the appropriate Ordinance for Geonee County upon third and final reading, there must be a minimum of four Council members present at the meeting and a minimum of three Council members must vote to approve the Ordinance. Unless previously approved in the annual appropriation ordinance, any expenditure by the County in excess of ten thousand (\$10,000) dollars must be approved by County Council by a positive vote of a minimum of three Council members with a minimum of four Council members attending the meeting. Unless previously approved in the annual appropriation ordinance, any expenditure by the County in an amount of ten thousand (\$10,000) dollars or less must be approved by County Council by a positive vote of a minimum of three Council members.

9.4.2 Any change in a line item in the annual appropriation ordinance as approved by Council must include a written explanation for the line item change. The written explanation for the line item change shall be provided to Council prior to the meeting in which Council will vote for the line item change.

9.4.3



**ORDINANCE 2006-
AN ORDINANCE AMENDING ORDINANCE 2003-07, AN ORDINANCE
ESTABLISHING THE COUNCIL-ADMINISTRATOR FORM OF GOVERNMENT**

Article IX, Section 9.6 is hereby amended to read as follows.

9.6 Quorum

9.6.1 Unless otherwise provided, three (3) members of Council shall constitute a quorum of Oconee County Council.

9.6.2 In order to approve the appropriate ordinance for Oconee County upon third and final reading, there must be a minimum of three Council members present at the meeting and a minimum of three Council members must vote to approve the ordinance.

STATE OF SOUTH CAROLINA
COUNTY OF OCONEE
ORDINANCE 2003-07 (Replaces Ordinance 2000-06)
ESTABLISHMENT OF THE COUNCIL-ADMINISTRATOR FORM OF
GOVERNMENT

ARTICLE I: EFFECTIVE DATE

Ordinance 2000-06 shall be repealed, as well as any other Ordinance provision or portion of any Ordinance in conflict herewith, upon the effective date of this Ordinance. This Ordinance shall take effect on January 1, 2005 or upon the vacancy of the office of the Oconee County Supervisor, whichever occurs first.

ARTICLE II: FORM OF GOVERNMENT

The Form of Government for Oconee County shall be the Council-Administrator Form of Government. County Council shall consist of the five (5) members elected from single member districts, the boundaries of which shall be determined by the County Council. The Chief Administrative Officer of Oconee County shall be the County Administrator, who shall be appointed by County Council in accordance with this Ordinance.

ARTICLE III: COUNCIL OFFICERS, CLERK, AND COUNTY ATTORNEY

3.1 Officers. The County Council shall elect a Council Chair, a Council Vice-Chair, a Council Chair Pro Tem and such other officers from among its members as it may deem necessary for terms as hereinafter set forth at the initial meeting of the County Council in January of each year. Vacancies shall be filled for the unexpired term of any office vacated in the same manner as for the initial selection of an officer for that office. All elections shall be by majority vote of the quorum present. Officers may succeed themselves.

3.2 Council Chair. At the initial County Council meeting in January of each year, the County Council shall elect one of its members to serve as Council Chair for a one-year term, or until a successor is elected and qualified. The Council Chair shall preside at all regular and special meetings of the County Council; shall execute, on behalf of the County Council, all ordinances, resolutions, directives, deeds, bonds, contracts, and other official instruments or documents unless Council specifically authorizes execution by another county official; and shall have such other duties and perform such other functions as are set forth in this ordinance and as authorized or required by state law.

3.3 Council Vice-Chair. At the initial County Council meeting in January of each year the County Council shall elect one of its members to serve as Council Vice-Chair for a one-year term. In the event that the Council Chair shall be temporarily absent or unable to serve, the Council Vice-Chair shall serve as Council Chair in his/her stead.

3.4 Council Chair Pro Tem. At the initial County Council meeting in January of each year the County Council shall elect one of its members to serve as Council Chair Pro Tem for a one year term. In the event that the Council Chair and Council Vice-Chair shall both be temporarily absent or unable to serve, the Council Pro Tem shall serve as Council Chair in their stead.

3.5 Clerk of Council. The County Council shall appoint a person, not a member of the County Council, to serve as Clerk of Council at the pleasure of County Council. The Clerk of Council shall prepare the agenda for County Council meetings at the direction of the Council Chair and the County Administrator; record all proceedings of the County Council; deliver copies of the minutes of each County Council meeting to all members prior to the next regular County Council meeting; keep the minutes of all County Council Committee meetings when requested by the chairperson of such committee; keep a register of all proposed ordinances and resolutions, assigning them a number and arranging them in order of introduction; compile, index, codify, and publish by title all ordinances adopted by County Council; serve as secretary of the County Council in typing and preparation of reports, recommendations, ordinances, resolutions, directives and correspondence, and such other duties as may be determined by Council. The Clerk of Council will report to the Council for the performance of the duties of the office.

3.6 County Attorney. The County Council shall appoint a member of the Oconee County Bar to serve at the pleasure of County Council as County Attorney. The County Attorney shall provide legal advice to County Council, the County Administrator and County Departments and Agencies. The County Attorney shall not be an employee of the county, and shall be compensated on a mutually agreeable fee basis.

ARTICLE IV: COUNTY ADMINISTRATOR

4.1 County Administrator Position Created.

The position of County Administrator is hereby created. The County Administrator shall be appointed by and serve at the pleasure of County Council. The County Administrator shall be the chief administrative officer of the county, and shall be responsible to County Council for the proper administration of all county affairs. County Council shall on an annual basis, set performance objectives for the County Administrator and shall annually review and rate job performance with the County Administrator.

4.2 County Administrator Powers and Duties.

The County Administrator shall have those powers and duties provided for in S.C. Code, § 4-9-620 et seq. (1976) and shall have such other powers and duties as may be required by Council.

4.3 Interim Administrator.

In the event that the position of Administrator becomes vacant, County Council shall appoint an Interim Administrator to act in the absence of the Administrator. The person appointed by Council shall not be a member of Council. The terms of employment as Interim Administrator shall be determined at the time of the appointment of the Interim Administrator.

ARTICLE V: COUNTY DEPARTMENTS

County Council shall establish, modify or discontinue such operating departments as required by law or deemed necessary for the effective operation of county government. The County Administrator shall recommend changes to the organization, reporting structure and duties of each department under County Council jurisdiction as deemed appropriate, for consideration and approval of County Council.

ARTICLE VI: COUNCIL COMMITTEES

6.1 Standing Committees.

6.1.1: Standing Committee Names And Responsibilities: County Council shall maintain six (6) Standing Committees. County Council shall deal with matters at the Committee level prior to the its being brought to the full County Council if it is judged appropriate by Council Chair or by a majority vote of Council Members. Each Standing Committee shall be responsible for doing appropriate research and preparing informed recommendations on specific matters that are assigned. The six Standing Committee names reflect their general areas of jurisdiction:

- a. Budget, Finance and Procurement Committee
- b. Personnel & Administration Committee
- c. Road and Transportation Committee
- d. Real Estate, Facilities and Land Management Committee
- e. Law Enforcement, Public Safety, Health, and Welfare Committee
- f. Planning and Economic Development Committee

6.1.2: Standing Committee Chairman And Membership: Each Standing Committee shall be chaired by a Council Member appointed in January by the Council Chair, with approval of Council, to a one year term. Each Council Member, except the Council Chair who may choose to chair a Standing Committee or not, shall be appointed to chair at least one Standing Committee, and no Council Member shall be appointed to chair more than two Standing Committees. All Council Members shall be members of the Budget, Finance and Procurement Committee. All other Standing Committees shall have two additional Council Members appointed by the Council Chair with approval of Council. Each Standing Committee shall at its first meeting of the year select one of its members other than the

Committee Chair as its Vice-Chair for the year. Standing Committee vacancies shall be filled in the same manner as the vacated position was originally filled.

6.1.3: Standing Committee Meetings: In Standing Committee meetings, a quorum shall consist of at least two (2) members of such committee being present, except in the case of the Budget and Finance Committee which shall require at least three (3) members present to constitute a quorum. Meetings shall be advertised and open to the public as provided by law. The purpose of Standing Committee meetings is to address assigned matters in determine facts and decide on appropriate recommendations to County Council.

6.2 Other Council Committees

Other committees may be established as needed by the Council Chair, with County Council approval.

ARTICLE VII: OPERATING AUTHORITY AND GUIDELINES

7.1 Operations Managed By The County Administrator.

County Council shall exercise its governing responsibility and authority through officially enacted ordinances, resolutions, policy statements and directives. County Council has operating authority only through its direction of the County Administrator. Except for purposes of inquiries and official investigations, the Council Chair or Council Members shall not give direct orders either publicly or privately to any elected county official or county employee, other than the County Administrator and the Clerk of Council.

7.2 Operations Managed By Elected County Officials.

Elected officials are responsible to the people for the performance of the duties prescribed by state and local laws for their respective offices. Elected Officials are responsible to County Council as follows:

- a. Elected county officials are responsible to council for the proper expenditure of funds budgeted to their offices by Council.
- b. The work of elected officials, unless otherwise provided herein, will be coordinated with other county offices through the office of the County Administrator.
- c. County Council may assign duties to an elected official in addition to those prescribed by law only with the consent of the elected official and only if not prohibited by state law. County Council may provide additional specified pay for such duties when, in the opinion of council, such pay is justified.

ARTICLE VIII: MEETINGS OF COUNCIL

8.1 Meeting Definitions.

8.1.1: Regular Meetings. The Council shall hold regular meetings for the transaction of official business at least once each month. The time and place of such meetings for the entire year shall be established by Council vote at the first Council meeting in January, which shall take place on the first Tuesday of January (unless the first Tuesday falls on January 1st, in which case, the first meeting will be on the second Tuesday in January) at the Oconee County Council Chambers, Walhalla, SC.

8.1.2: Special Meetings. Special meetings shall be held at such time as the Council Chair or any three members of Council shall direct, provided that no special meeting shall be held unless the Council Chair or Council Vice-Chair shall cause all Council Members to be notified and give twenty-four (24) hours public notice of the hour, date and place of such meeting.

8.1.3: Emergency Meetings. With the consent of all members of the Council, an emergency meeting may be held and public notice of the hearing may be waived to meet public emergencies affecting life, health, safety or property of the people. Publication of a special meeting by posting the same in three (3) public places, one of which may be the bulletin board of the Oconee County Courthouse, shall be sufficient publication for the requirements of this section.

8.1.4: Quorum. Three (3) members of the County Council shall constitute a quorum for the transaction of all official business. All Council Members, including the Council Chair, shall vote on all Questions, Resolutions and Ordinances presented to the Council for action. All meetings shall be advertised and open to the public in accordance with the South Carolina Freedom of Information Act, as amended from time to time.

8.2 Official Meeting Agenda.

8.2.1: Official Agenda. All Council meetings shall be conducted with an official agenda, published and advertised in advance in accordance with State Law, and special provisions elsewhere in this ordinance.

8.2.2: Agenda Preparation And Advertising. The Council Clerk shall be responsible for and prepare an official agenda and a copy thereof shall be provided to every member of Council and to the local news media at least seventy-two (72) hours prior to the Council Meeting. Matters to be included on the agenda shall be submitted to the Clerk Of Council only by the County Administrator, a Council Member, or the Council Chair. No matter shall be included on the agenda or heard by the Council unless the same is within the authority and jurisdiction of the Council. Matters of urgency may be added to the agenda prior to the time set for a meeting of Council, if they arise in such proximity to the time set for such meeting as to make it impossible to have the same included in the written copy of the agenda. Other matters not on the agenda may be added during a Council meeting by a Council motion and 2/3 vote of Council.

8.2.3: Special Hearing Requests. Should any person, group or organization request to be heard upon any matter at a regular or special meeting of the Council, such person, group or organization may request that the Clerk present said request to the Council Chair. The Council Chair may refer the matter to the appropriate Council Committee for its investigation and recommendation prior to the possible consideration and action by Council in a public meeting. In such a case, the person, group, or organization shall be notified by the Clerk of the date and time of the Committee meeting. The Council Chair may bypass the Committee step and put the matter on a Council meeting agenda in the case of great urgency, if the matter is presented in writing and every member of Council is provided with a copy prior to the commencement of the Council meeting with in which the matter is on the agenda. When any person or persons are heard by Council as provided herein, such person or persons, when they have completed their presentation, shall be seated and no person or persons other than a Council Member or Council Chair shall be recognized to make any statement on such a matter unless requested to do so by the Council or any member thereof through the Council Chair.

8.2.4: Rules Of Procedure. The Model Rules of Parliamentary Procedure for South Carolina Counties as published by the South Carolina Association of Counties are hereby adopted.

ARTICLE IX: ORDINANCES AND RESOLUTIONS

9.1 To Be Approved As To Form

Prior to introduction, all proposed Ordinances and Resolutions shall be submitted to the Clerk of Council for registration in accordance with the provisions hereof. As used herein, the term "Ordinance" shall be an ordinance having the force of law, and the term "Resolution" shall mean a resolution having the force of law.

9.2 Written Form

All proposed Ordinances and Resolutions shall be in writing, either typed or printed, and in sufficient number of copies for each Member of Council to be provided with copies at the time of introduction, except as provided elsewhere in this ordinance. An ordinance may be introduced *in title only* for its first reading if deemed appropriate by Council Chair, and Ordinances introduced *in title only* shall require only a brief written statement of its title and purpose at the time of introduction.

9.3 Adoption of Ordinances, Resolutions; Public Meetings

9.3.1: Ordinances. The Council shall take legislative action by Ordinance, which may be introduced by any member. With the exception of emergency Ordinances, all proposed Ordinances shall be read at three (3) public meetings of Council on three (3) separate days, with an interval of not less than seven (7) days between the second and third readings. All proceedings of Council shall be recorded and all Ordinances adopted by Council shall be compiled, indexed, codified, published by Title and made available to public inspection at the Office of the Clerk of Council. The Clerk of Council shall maintain a permanent

record of all Ordinances adopted and shall furnish a copy of such record to the Clerk of Court of Oconee County for filing in that office. Except as otherwise provided for herein, all Ordinances and Resolutions shall be enacted by the affirmative vote of a majority of the Members of Council present and voting.

9.3.2: Public Hearings. Upon giving reasonable public notice (herein defined as not less than fifteen (15) days notice of the time and place of such hearings to be published in at least one newspaper of general circulation in the County), public hearings shall be held before final Council action is taken to:

- a. Adopt annual operational and capital budgets;
- b. Make appropriations, including supplemental appropriations;
- c. Adopt building, housing, electrical, plumbing, gas and all other regulatory codes involving penalties;
- d. Adopt zoning and subdivision regulations;
- e. Levy taxes; and
- f. Sell, lease or contract to sell or lease real property owned by the County

The Council may adopt standard code or technical regulations by reference thereto in the adopting Ordinance. The procedure and requirements governing such Ordinances shall be as prescribed for Ordinances listed in [a] through [f] above. Copies of any code or technical regulations shall be made available by the Clerk of Council for distribution or for purchase at a reasonable price.

9.3.3: Reading of Ordinances. If all members of Council are furnished copies of a proposed Ordinance or Resolution, a verbatim reading thereof shall not be required unless specifically requested by a Council Member. Further, in the absence of an objection by at least two (2) members, Ordinances may be adopted on first reading by title only, when the member making a motion to adopt shall explain to the satisfaction of Council (i) the purpose of the Ordinance; (ii) an outline of its provisions; and (iii) its effect, if any, upon existing Ordinances. The offering of such Ordinances by title only shall permit discussion thereof and when appropriate, the draft preparation of the Ordinance by the County Attorney or the Council Member introducing such Ordinance or submission to an appropriate Committee of Council for further study.

9.3.4: Emergency Ordinances. To meet public emergencies affecting life, health, safety or the property of the people, Council may adopt emergency Ordinances, but such Ordinances may not levy taxes, grant, renew or extend a franchise, or impose or change a service rate. Every emergency Ordinance shall be designated as such and shall contain a declaration that an emergency exists and describe the emergency. Every emergency Ordinance shall be enacted by the affirmative vote of at least two-thirds (2/3) of the members of Council.

present and voting. An emergency Ordinance shall be effective immediately upon its enactment without regard to any reading, public hearing, publication requirements or public notice requirements. Emergency Ordinances shall expire automatically as of the sixty-first (61st) day following the date of enactment.

9.3.5: Resolutions. Resolutions of Council authorizing appropriate action by the Council Chair and/or Administrator, approving transfer of funds from the contingency fund to a particular line item or within a line item of any department, approval of purchases or similar contracts, inducement agreements for industrial revenue financing, recognition by Council of services on behalf of the County, State or of the United States, a statement of County policy or position concerning a single transaction or incident, and similar expressions of the will of the Council concerning the day-to-day operation of County government, may be adopted upon single reading, but such Resolutions shall be set forth in full in the minutes of the meeting or shall be presented in a written form in full in the minutes of the meeting or shall be presented in a written form to be included with the minutes indicating the adoption of such Resolution.

9.3.6: Ordinances and Resolutions to be Published. Annually, all Ordinances and Resolutions of the Council passed during the proceeding twelve (12) months shall be made available in printed form for public distribution by the Council Clerk.

9.4 Amendments to Budget

After the adoption of the annual appropriation Ordinance, the County Council may, by Resolution, authorize transfer of funds from any contingency fund or funds provided in the appropriation Ordinance to meet and satisfy the needs of any particular department or to supplement a line item in the Appropriation Ordinance from such contingency fund or funds. Additionally, County Council may by Resolution transfer or authorize the transfer of funds from one particular line item from one department in the Appropriation Ordinance. PROVIDED, HOWEVER, notwithstanding any other provision hereof, transfer of funds from one department to another other than from the contingency funds provided for such purposes shall be accomplished only by means of Supplemental Appropriation Ordinance which shall be adopted only after hearings, including the publication requirements, as for the adoption of any Appropriation Ordinance.

9.5 Loans, Borrowing and Revenue Sharing Funds

9.5.1: Loans: By appropriate resolution and without the necessity of public hearings and notice requirements, Council may authorize temporary borrowing of funds required to meet the necessary expenses of the County as set forth in the original appropriations Ordinance only if the following requirements are satisfied and met: That such borrowings are authorized by the Statutory Law of South Carolina, the Constitution of this State or, when appropriate under the provisions of the laws of the United States relating to the use and applications of revenue sharing funds.

9.5.2: Tax Anticipation Borrowing: By ordinance, Council may authorize tax anticipation borrowings and such obligation shall become due at such time as shall satisfy the requirements of the statutory Law of South Carolina and the loan shall be paid from taxes pledged to secure such borrowing.

9.5.3: Inter-Fund Borrowing: Loans may be approved by appropriate Resolution from one County fund or funds provided for a particular line item to another, without public hearing, and including the Revenue Sharing Trust Fund, provided that such loans are repayable within six (6) months from the date of the loan and within the fiscal year in which the loan was effected. In the absence of such repayment a supplemental appropriations Ordinance together with public notice thereof must be undertaken, in which case such loan shall be considered transfers. If loans from the Revenue Sharing Trust Fund are not repaid, then a public hearing shall be held, together with appropriate notice, prior to any authorization of a waiver of such loan repayments and the same shall constitute an amendment of the Revenue Sharing Plan adopted after due notice and public hearing.

9.6 Quorum

Unless otherwise provided, three (3) members of Council shall constitute a quorum of Oconee County Council.

ARTICLE X: TREASURER AND AUDITOR

The Treasurer and Auditor of Oconee County shall be elected in the general election held every four (4) years concurrent with and in the same year as the Presidential election, and they shall take office on July 1st following their election and terminating on June 30th of the fourth ensuing year thereafter. The Treasurer and Auditor of Oconee County shall execute a fidelity bond in favor of Oconee County, secured by a surety company authorized to do business in the State of South Carolina, in such sums as may be hereafter directed from time to time by County Council.

ARTICLE XI: BOND OF OFFICERS AND EMPLOYEES

11.1 Each County employee shall be covered by a blanket fidelity bond issued by a surety company authorized to do business in the State of South Carolina in the penal sum of not less than \$100,000 payable to Oconee County upon or in the event of a loss by the County resulting from misconduct on the part of such employee.

11.2 Further, all elected County Officials and all other employees, if any, not covered under the blanket bond shall execute an individual bond in the penal sum as shall be determined by County Council. The cost of such bond shall be borne by Oconee County as an expense of the operation of its government.

ARTICLE XII: CONSTRUCTION AND SEVERABILITY

This Ordinance shall be construed to prevent conflict with the constitution and law of both the State of South Carolina and the United States. Each and every section and provision of

this Ordinance is hereby declared to be an independent division and subdivisions and, notwithstanding any other evidence of legislative intent, is hereby declared to be the controlling legislative intent that if any provision of this Ordinance, or the application thereof to any person or circumstances held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and is hereby declared that such sections and provisions would have been passed independently of such sectional provisions so known to be invalid.

APPROVED ON THIRD & FINAL READING this 20th day of May 2003.


Harry R. Hamilton
Interim Supervisor-Chair
Oconee County Council

Attest:


Opal O. Green
Clerk to Council

OCCONEE COUNTY DETAILED PROVISOS FISCAL YEAR 2005-2006

Section B Provisos (from Budget Ordinance 2005-10)

OTHER LINE-ITEM TRANSFERS: Requests for transfers of funds between line items within a Division budget made by a Department Head, in an amount not to exceed \$25,000, other than the salary line item transfers and/or request(s), to add, delete or change the description of specific items within a line item may be approved by the County Administrator upon the recommendation of the Manager of the Office of Budget and Finance. County Council must approve all transfers and line item description changes in excess of \$25,000.

Further, no item specifically removed from the budget by the Administrator and/or Council shall be purchased without the permission of Council.

All budget revisions (for example: transfer or description change) within departments will be requested by the department director and reviewed by the Office of Management and Budget to insure availability of funds for transfer.

- If the revision is less than or equal to ten percent (10%) of the originally approved budget amount (up to a maximum of \$5,000) and the funds are available, the revision will be made at the department director's discretion.
- If the revision is more than ten percent (10%) of the originally approved budget amount or is more than \$5,000, but not more than \$25,000, the revision will be forwarded to the Manager of the Office of Management and Budget and the County Administrator for their review and will be subject to the County Administrator's approval.
- County Council will continue to approve all budget revisions in excess of \$25,000.

The Department Director may approve the transfer of \$5,000 between Divisions under his or her management with the approval of the County Administrator.

The County Administrator may approve the transfer of \$10,000 between Departments or Divisions.

SECTION 6-9-630. Powers and duties of administrator.

The powers and duties of the administrator shall include, but not be limited to, the following:

- (1) To serve as the chief administrative officer of the county government;
- (2) To execute the policies, directives and legislative actions of the council;
- (3) To direct and coordinate operational agencies and administrative activities of the county government;
- (4) To prepare annual operating and capital improvement budgets for submission to the council and in the exercise of these responsibilities he shall be empowered to require such reports, estimates and statistics on an annual or periodic basis as he deems necessary from all county departments and agencies;
- (5) To supervise the expenditure of appropriated funds;
- (6) To prepare annual, monthly and other reports for council on finances and administrative activities of the county;
- (7) To be responsible for the administration of county personnel policies including salary and classification plans approved by council;
- (8) To be responsible for employment and discharge of personnel subject to the provisions of subsection (7) of Section 4-9-30 and subject to the appropriation of funds by the council for that purpose; and
- (9) To perform such other duties as may be required by the council.